



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 12, 1998

Ms. Deane Bostick-Martin
Records System Supervisor
P.O. Box 2000
Lubbock, Texas 79457-2000

OR98-0684

Dear Ms. Bostick-Martin:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113808.

The City of Lubbock (the "city") received a request for "all information and records pertaining" to two named individuals and three different addresses. You state that while some front page offense information has been provided to the requestor, the responsive information contained in criminal investigation case reports is protected from disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office copies or representative samples of the specific information that was requested.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile on January 22, 1997 that you had failed to submit the information required by section 552.301(b). Specifically, you did not supply this office with copies of the requested information, or representative samples of the requested information, marked to show the exceptions that are applicable to the documents. We requested that you provide this required information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), failure to comply would result in the legal presumption that the information at issue was presumed public.

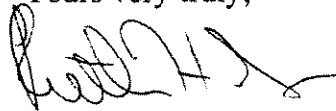
You did not provide our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request for information is presumed to be public information. Information that is presumed public must

be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982).

Unless you submit the requested information to this office and demonstrate that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. We note that the request for information about the named individuals appears to be a request for the compilation of these individuals' criminal histories. Such information would be confidential and protected from disclosure under the common-law privacy provisions of section 522.101 of the Government Code. *See* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

If you have any questions regarding this matter, please contact this office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 113808

cc: Mr. Anthony Roberts
P.O. "Box 84
Tehachapi, California 93581